The fourth bullet, "Reduction of Toxicity, Mobility and Volume," is basically straight forward, and it basically asks or it answers: Does the remedy reduce the toxicity of the contaminants; does it reduce actually

the volume of the contaminants at the site, whether it be in groundwater or in soil.

The next bullet, "Short-term Effectiveness," basically answers: Is this protective in the short term; all the remedies being implemented or precautions taken, and is human health at risks at all, or are there other -- other concerns too. I mean, could it be, you know, in the short term; could be a whole bunch of -- if you did an excavation and removal to an off-site landfill, you'd have a whole bunch of trucks moving in on this road that leads into it. That would be an impact. It wouldn't necessarily jeopardize human health, but it would affect and impacted the community.

The next bullet, "Implementability," basically answers: Is the measure technically feasible; are there problems securing certain equipment; is it very difficult to perform certain of the -- it might be

difficult in a certain area. It might be difficult to access that area getting trucks in with equipment.

The next one, "Cost," is pretty straight forward. That's literally the cost of each alternative.

Then we have "State Acceptance." Does the State concur or disagree with the preferred remedy, and finally "Community Acceptance," refers to the public's general response to the alternatives, and this criteria will also be assessed in the Record of Decision.

So after evaluating all the data, and after evaluating all of the alternatives through that list of criteria I just went over, the EPA

with the State's concurrence recommend appointing a combination of two of the alternatives that I listed. We recommend both soil remedy. It's a remedy of soil contamination as well as a groundwater, and specifically

these two alternatives that we recommend are the excavation of all contaminated on-site soil, placement in the biocell, and use of a soil vapor extraction system within that biocell, and groundwater alternative two, which is enhanced by a remediation followed by long-term groundwater monitoring program to make sure the remedy is effective. This combination of alternatives would remove and treat contaminated soils and contaminated groundwater, and we believe it's the best of the remedies, and we believe it is important to combine two alternatives.

I just listed the costs of the selected remedial alternatives here for your perspective. But alternative

S4, which is biocell soil vapor extraction, this would cost $3,119,000. For the groundwater alternative it would be a little over a half a million dollars, $528,000, for a total combined remedy cost of

$3.6 million to remedy the site.

CECILIA ECHOLS: Before we open up for questions, I forgot to mention that Michael Cyvak, he is the Risk Assessor for the site, and we also have Richard P. McCormack, the Legislative Aide with Anthony G. Ravid, and Michael McCane with the New York State DEC.

So we'll start with questions from -- since there are many people, we'll start from this side, and go to the other side, and go back and forth. Please state your name as clear as possible, and if you would like to indicate your address you're representing, that would also help. Sir.

MILES AXTON: Miles Axton, I'm

representing the Tomahawk Lake Association. How sure are you that the assessment of the contaminants has been fully investigated? You mentioned that the original designation of the site was based on

assessment contracted by the concerned company, the Nepera Company. Has the range of possible contaminants investigated by EPA or New York DEC confirmed the range of contaminants that made the site initially labeled as a Superfund Site?

MARK DANNENBERG: Yes. Initially, actually, it wasn't really Nepera Chemical Company that came forward and said; Oh, we have a contamination issue. New York State DEC years earlier went out to the site, had noted that at least one of the fields was leaking into the groundwater; contaminants were going down into the groundwater. This site has been investigated for years. So you have several of these soil

sampling results showing the same thing. Like I said, we had hundreds of samples from these people, and yeah, I think it's accurately depicted. We've been able to rule out by collecting to rule out other

directives, and complaints, and get down to this list.

CECILIA ECHOLS: Name, please?

JOY DECKER: Joy Decker, "D-E-C-K-E-R, Route 207 Campbell Hall. I've been in contact with Mr. McCane over the years. I've been in contact with EPA over the years. I've been fighting the site for 13 years now, since I became aware of it.

After reviewing your remedial plan, I have to say, personally, I cannot worry about the cost effectiveness about it. I have to worry about the future effectiveness of it, and my understanding is that under your proposed S4, you can't guarantee the air quality under that proposal. You're going to determine

whether or not it's necessary to treat the air once you start that remedy, but S6, even thought it cost the most, it's a hundred percent guaranteed, but that ground, that soil is moved out of here and brought some where else, and

that it's a hundred percent clean, and it ensures the future of the site for me, and for my kids, and for my grandchildren.

I also feel that the groundwater proposal -- once again you're looking at the cost effectiveness of it, and in my opinion the GW3 proposal will guarantee the integrity of the aquifers. But the one you're proposing does not guarantee that. It does not guarantee the contaminants in the future will not move somewhere off site. I want a hundred percent guarantee that that soil is clean, it's gone.

We've lived with it for 40 years. I want to be sure that that water is clean, and that any

tributaries that it contaminates will not have a future repercussion from it. I cannot worry for the cost. If Nepera is responsible for paying that cost, there's a Superfund to set up to handle that cost. I can't worry about

cost. I have to worry about the future.

JOHN LaPADULA: I can respond to that. You know, while I know you want the guarantees, we really cannot provide any guarantees to any of the alternatives. That's just the way it is. There are no guarantees. And for the groundwater, all the groundwater remedies are developed to produce the same end result, and that is to restore the groundwater to drinking water quality.

Now, it's done by different mechanisms; extraction and treatment, you know, enhancement of the microorganisms that are down there. To begin with, with any of these, there is no guarantee. The pump and

treat system can have difficulties. Some of the other technologies could have difficulties as well. But we are required, you know, under the Superfund Act directed by Congress that we do need to consider cost,

while there are a total of nine different criteria, cost is one of them, and cost is a balancing criteria. Can you get to basically the same end point and be reasonably concern that you are going to have a safe site. And that's why we recommended what we did.

JOY DECKER: Right. And you're asking for public input too, because --

JOHN LaPADULA: We are.

JOY DECKER: -- the law also says that the public interest will outweigh the cost effectiveness. So what the majority of the public -- what is best for the majority of the public will outweigh whatever that cost is, and you deal with that cost,

if the public interest outweighs it.

Now, your alternatives that are highly costly are also providing more of a guarantee than any of the other alternatives, and, if you look at other cities and towns throughout

the country who have used these different methods, the one that costs the most are the most effective, and have been monitored on a long-term basis, and have shown high effectiveness.

MARK DANNENBERG: I -- and just to add --

JOY DECKER: And who is going to monitor this site? And where are these samples going? And who is handling these samples? And who's putting these reports out? I watched this site for years, and years, and years. I've seen guys going in there with white suits at 2 o'clock in the morning. Who was passing those samples then?

MARK DANNENBERG: I don't know

about going in at 2 o'clock --

JOY DECKER: I can guarantee you --

MARK DANNENBERG: -- I have been --

JOY DECKER: -- we took photos

of it.

MARK DANNENBERG: -- I have been to that site in a white suite, in my Tyvak suit, when we did sediment sample --

JOY DECKER: In the dark.

MARK DANNENBERG: No. I was there in full daylight. It was a hot day in a Tyvak suit. I was pretty uncomfortable. But just to answer your questions, as far as the effectiveness, it's our assertion from our investigation that the groundwater enhanced by our remediation technology would be more effective than the pump and treat. The pump and treat would contain the migration of contamination, but it would take years longer to actually remediate all the

groundwater.

JOY DECKER: It's been there 40 years.

MARK DANNENBERG: That's right, and still no private wells have been impacted above any Federal or

State --

JOY DECKER: And can I say to you personally we've hunted that land, and we've taken deer up there with tumors the size of grapefruit. So your water might not show contaminants, but there's other signs of that contamination affecting things.

CECEILIA ECHOLS: Sir, in the back there.

JOE VOLNER: My name is Joe Volner. I live across the street from the site; okay. I also have some expertise in the liner system, and I fitted them. Now, I looked at your recommendations; okay. If you want to take everything out of there, I would recommend bringing a soil burner in.

If not doing this, do a 360 cap over the area, modify the area that drains off, put a 360 cap on it, and then do a pump and treat. You're not getting your infiltration going down; okay. And you're saying about 13 years.

Well, you keep up with it. You watch how the groundwater goes.

Like I said, I had -- I do have expertise in this area. So I worked with DEC many times, and I think that would work quite fine without disturbing a lot. We don't need the high traffic of hauling everything out of there. That'll only make things worse. So that's my recommendation.

JOHN LaPADULA: Well, as far as the traffic, that would really apply to a dig and haul --

JOE VOLNER: Right.

JOHN LaPADULA: -- taking it out to another landfill. That would be the most expensive of all soil remedies, and it's not out preferred

remedy, or recommended remedy. The cap, you're right, would prevent infiltration from coming through. The contaminants would -- any kind of percolating contaminants through to the groundwater would be significantly

reduced. I don't think it would necessarily be eliminated, but the contaminated soil would still remain under the cap.

JOE VOLNER: But if you pump and treat that and take a lot of that away you dry the section up.

JOHN LaPADULA: Through the groundwater, yeah. We would be pumping, and treating, and cleaning the groundwater, and it would take years. This type of remedy would cut the time --

JOE VOLNER: It would only take about eight years.

MARK DANNENBERG: It would take, you know, a year or so to design --

JOE VOLNER: So you're saying

eight years to take it all out. Look at all the danger to the roadways and all that; all the accidents.

MARK DANNENBERG: I'm not sure I'm following. Eight years to take it all out?

JOE VOLNER: That's what I read. Eight years --

MARK DANNENBERG: Eight years until the remedy is completed.

JOE VOLNER: Right.

MARK DANNENBERG: Right. So this basically we'd be designing the remedy, excavating the soil, putting it into the biocell, treating the soil within the groundwater with the dual technology the excavating with the biocell --

JOE VOLNER: That's the way you want to do it.

MARK DANNENBERG: That's the way we want to do it.

JOE VOLNER: Right.

MARK DANNENBERG: And treating the groundwater.

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JOE VOLNER: That's the way you want to do it.

MARK DANNENBERG: That's the way we want to do it.

JOE VOLNER: Right.

MARK DANNENBERG: And treating the groundwater.

JOE VOLNER: Right.

MARK DANNENBERG: By the time the remedial design and remedial phase is over, we are projecting about eight years until the site is cleaned up. Two clean up objectives, two

standards.

JOHN LaPADULA: One of the benefits, the advantages of the biocell, is that the contamination would be biodegraded or withdrawn through the vapor system, and that the soil would no longer have contaminant levels about the New York State clean up objectives. If you cap the site, then basically you have a capped site, and you can never build, you know, on top of the cap or do anything with the cap. So --

UNIDENTIFIED SPEAKER: Good. We don't want to build on that anyway.

UNIDENTIFIED SPEAKER: No one is going to build on that.

MARK DANNENBERG: We could be --

JOHN LaPADULA: Technically --

MARK DANNENBERG: -- putting restrictions on any of these, as far as building in any certain area. We would not be looking at building on top of the biocell either.

JOHN LaPADULA: But once the biocell -- once the action in the cell is completed, the soil should meet New York State objectives, clean up objectives, as any of the soil do now, and technically you could build on the site. Perhaps you would not want do, but you could, and you wouldn't need a further restriction. You wouldn't need a long-term cap. It's a more permanent type of remedy. Yes.

PATRICIA TANNER: Patricia Tanner. I'm the little house down on the corner, down near the brook; the only one you have on there. All right. Now, you said you were going to release water into -- one of the things that you release into that brook.

MARK DANNENBERG: Into Beaver Dam Brook, right.

PATRICIA TANNER: All right. That goes into my pond.

MARK DANNENBERG: Yes, it would go right through --

PATRICIA TANNER: And my well is only 15 feet from my pond --

MARK DANNENBERG: Right.

PATRICIA TANNER: -- and what's going to happen there?

MARK DANNENBERG: Now, your well, we do go out --

PATRICIA TANNER: Yeah, they test my water.

MARK DANNENBERG: And you're right. That's not our preferred remedy --

PATRICIA TANNER: Yeah.

MARK DANNENBERG: But that pumping the water up, and treating it, and discharging it, which is obviously favored by some, but that would be discharged into Beaver Dam.

PATRICIA TANNER: Is all the

chemicals --

MARK DANNENBERG: Right.

PATRICIA TANNER: -- listed there?

MARK DANNENBERG: No, I have referred -- I don't know if you

recall, I've referred to that as Tanner's pond.

PATRICIA TANNER: Yeah, well --

MARK DANNENBERG: So because I know your house is on it.

PATRICIA TANNER: They -- what do you call -- all those chemical are in our water, but they are in a minute --

MARK DANNENBERG: Yes.

PATRICIA TANNER: -- degree. They are there. We don't drink it; not for drinking water.

MARK DANNENBERG: I haven't seen data showing the purity compounds in the --

PATRICIA TANNER: I've got a stack of letters referring that high

(indicating) Canada, and now they're coming out of --

MARK DANNENBERG: New York State DOH; right.

PATRICIA TANNER: And what do you call it -- if you're going to burn

it, what am I going to have?

MARK DANNENBERG: We're not recommending burning it. I'm sorry. This is Joe Crua from the State Health Department.

JOE CRUA: What address is that?

PATRICIA TANNER: 26 Brie Lane.

MICHAEL CYVAK: One thing that everyone should know is when we do this remedial design phase that we talked about in one of the earlier slides, that once we select our remedy, and we decide how we're going to implement that remedy, part of that process will involve coming up with what we call sort of a community safety plan, so that we make sure

anything that we design doesn't spread contamination anywhere else. I mean, that certainly is not our goal.

When we talk -- when we've been hearing some comments we've been talking about: What happens if when

we implement this remedy if contamination is disbursed somehow, and as part of digging it up, or pumping it out, or creating a biocell and venting, or something like that, clearly that is not our objective to take a contamination from where it is and spread it somewhere else. So part of our remedial design, we're going to ensure that we build in the safeguard to allow us to make sure that doesn't happen.

PATRICIA TANNER: They have a well right on the edge of the --

MICHAEL CYVAK: Okay.

PATRICIA TANNER: -- and they put it there, because they found -- finding chemicals at the edge of the brook --

MICHAEL CYVAK: Okay.

PATRICIA TANNER: -- at the head of my pond --

MICHAEL CYVAK: Okay.

PATRICIA TANNER: -- and they have one there, and they have one on

the other side of the pond in the back, and it's monitored though?

MICHAEL CYVAK: Absolutely we monitor those.

JOE CRUA: Your well was sampled in June, June 14th?

PATRICIA TANNER: Right.

JOE CRUA: Right. This indicates that nothing was detected in the well. I can go over the results with you --

ROBERT TANNER: I think you better. We'll bring our papers with us.

JOE CRUA: We have a copy of what was sent, and if there is some confusion we'll be glad to discuss it with you --

ROBERT TANNER: Okay.

JOE CRUA: -- but what we have indicates that nothing was detected. Now, you may be confused as to the way it's presented. It provides a number of less than, and then it gives the number after that. So that indicates

essentially that the implementation that was used, which is a very sensitive implementation, nothing was detected at that very low level, which is very well below the public drinking water standards. I think for all of these compounds it's five parts per billion, and they didn't see anything to what amounts to half parts per billion. So what we're seeing --

ROBERT TANNER: Parts per billion, I ain't drinking it.

JOE CRUA: Well, there is nothing there. It's less than. It's almost not detected.

JOHN LaPADULA: I think the point of that is --

JOE CRUA: We can certainly --

ROBERT TANNER: Five hundred

feet in my backyard. I'm not going to drink it. Since 1975 I had haven't drank it.

JOE CRUA: If you'd like to discuss the results later, we can do it.

GERTRUDE HODGES: I have great concern --

CECEILIA ECHOLS: State your name.

GERTRUDE HODGES: My name is Gertrude Hodges, and the property at 41 Jones Lane, and it extends over to -- Jones Lane, the front side extends over to close to my brook. My concern is that even after you treat those many particles, how am I going to be able to sell that property at the level and then tell people that this is pure? The ground -- the property has been listed for wetland. The water under that is very shallow. I mean, the depth to go down and get water is very shallow. What assurance are you going to give me that whatever

treatment you pick the water on my property is going to be okay?

Now, I don't mean this small mini parts, because over time, and I'm agreeing with this gentleman, over time that accumulation in the body can

cause problems. It may not cause any right now, because you say right now I see no problems, but look -- go back and look at what you told people at Love Canal over the years and look at what happened to it.

So I'm staying to you that in order to protect the community and the health of the community you need to take that trash out of here. The repair was down in Harriman, and he has some houses in the fields that people had built on, and they're now coming back and saying: We can't grow anything on this land.

MARK DANNENBERG: Well, the Harriman facility is a production facility. They make chemical companies at the facility. It's a

completely different -- it's a completely different site.

GERTRUDE HODGES: Not if the trash -- it's a different site, but the same thing is going on there --

MARK DANNENBERG: No.

GERTRUDE HODGES: -- that's going on here.

MARK DANNENBERG: No. It's not there. It's a production. It's a production site. They manufacture organic chemicals there. They have concentrated chemicals and compounds that they use in their process --

GERTRUDE HODGES: So what you're saying, what they dumped up here --

MARK DANNENBERG: What they dumped up here was waste water. It was waste water from that facility --

GERTRUDE HODGES: Byproduct.

MARK DANNENBERG: -- but again, it was waste water.

ROBERT TANNER: What my property --

MARK DANNENBERG: Yeah, a byproduct. Right. But that's not -- that's not necessarily the same thing as concentrated chemicals that they're using, baths that they're using, or whatever other constituents they are

using to manufacturer the chemicals. It's really a separate -- it's a separate type of --

ROBERT TANNER: It's poison. It's poison. It's poison.

GERTRUDE HODGES: But you're going to tell me that what they were producing was poison, but the waste water from it is not?

JOHN LaPADULA: No, I didn't say that at all. I'm telling you it's a different facility. I'm not telling you it's --

GERTRUDE HODGES: I'm not arguing with you that it's the same facility --

JOHN LaPADULA: -- I'm saying it's --

GERTRUDE HODGES: -- the

Nepera Chemical Company, whatever they were doing there, the off shoot of the waste product of it was dumped in our backyard. Those people, who are down in Harriman are now complaining. Those big homes that they built they

can't grow anything around it. It's a problem with that now, and now you're going to tell us that we should pick something that is less than, because it would be cost effective.

MARK DANNENBERG: No, no. I'm not saying --

JOHN LaPADULA: I could also tell you that what we did what we call background sampling, where we took samples outside the lagoon area. We took samples of Beaver Dam Brook --

GERTRUDE HODGES: Before you go on --

JOHN LaPADULA: -- and the wetlands -- we did -- we did -- no, please don't interrupt me --

GERTRUDE HODGES: How did that --

JOHN LaPADULA: -- I didn't interrupt --

GERTRUDE HODGES: -- how did that --

JOHN LaPADULA: I didn't interrupt you. I didn't interrupt

you. Please let me finish.

We did take samples, many samples in terms of background samples, and we did not detect any of the chemicals we found in the ponds or the lagoons.

GERTRUDE HODGES: My question is, how did that get all of that whatever it is get to the lagoon?

JOHN LaPADULA: By truck.

GERTRUDE HODGES: Huh?

JOHN LaPADULA: By truck.

GERTRUDE HODGES: Did it cost 20 million to take it there?

JOHN LaPADULA: I have no idea.

GERTRUDE HODGES: However, tell them to truck it back out.

JOHN LaPADULA: Comment noted.

Yes. Actually, the gentleman behind you. He didn't have a chance yet.

WILLIAM J. SHIFT: Mr. Dannenberg?

MARK DANNENBERG: Yes.

WILLIAM J. SHIFT: My name is

William Jay Shift. I'm the former Mayor of Village of Maybrook. I'm representing the Village. I'm not representing the Town. I'm representing my family, and the health of my family, and the health of the residents of the Village of Maybrook, and the good people of Hamptonburgh.

I had sent you a letter, and may ask why you choose not to respond to it? I did. Copy here. Sent you a letter, and one of the things that I asked in the letter was to please tell me where 255 million gallons of highly toxic waste has gone.

In the past 54 years this case has been worked on, and worked on, and reworked on. We've seen the scenarios. We've seen the slide.

We've heard the show, and then the presentation, and everything.

Disturbing the soil out there, for one thing, how far down are you planning on taking away the soil?

MARK DANNENBERG: All the way

down to bedrock --

WILLIAM J. SHIFT: Okay. And then what?

MARK DANNENBERG: -- as far as we can dig.

WILLIAM J. SHIFT: And then what happens to the 255 million gallons of highly toxic waste? Where has it gone? Where is the ploom for all of this?

MARK DANNENBERG: I'm not sure we're talking about 255 million --

WILLIAM J. SHIFT: Well, if you dump -- if you dump 55 gallons a day for fourteen years, I don't have to take my shoes off. It's 255 million gallons of toxic fuel.

MARK DANNENBERG: These were open lagoons. It was waste water, not

toxic fuel.

WILLIAM J. SHIFT: It wasn't documented --

MARK DANNENBERG: These were open lagoons. They were opened to evaporation.

WILLIAM J. SHIFT: If you tell me if barium, cadmium, polychlorinated, PCB's, Cinonide, lead, zinc, arsinic, benzene, polynuclear automatic hydrocarbons, and many other things that are listed in your report are not toxic?

MARK DANNENBERG: They have toxicity to them. I would like to know when -- I don't recall seeing a letter from you at all.

WILLIAM J. SHIFT: The letter was sent out. And it was sent --

MARK DANNENBERG: When it --

WILLIAM J. SHIFT: -- and it was sent August the 5th.

MARK DANNENBERG: When?

WILLIAM J. SHIFT: It was the day immediately after I learned that

page 29, way in the back of that record was a one quarter inch summary or story that this Hearing was going to take place. I received no invitation to the hearing. I don't know how many people in this room

have.

MARK DANNENBERG: So you mailed this out to me on August --

WILLIAM J. SHIFT: I mailed it out to you on August 5th.

MARK DANNENBERG: Okay. Well, that was 11 days ago.

WILLIAM J. SHIFT: Yes.

MARK DANNENBERG: Okay. I'm sorry I haven't seen it. I've been --

WILLIAM J. SHIFT: Okay. I'll anxiously await a reply.

MARK DANNENBERG: I would be --

WILLIAM J. SHIFT: But I would like you --

MARK DANNENBERG: I will look for your letter --

WILLIAM J. SHIFT: -- to tell

me or someone here to tell me that since DEC permit created this situation back in 1953, where these 255 million gallons of toxic waste have disseminated?

MARK DANNENBERG: Well, water

in an open lagoon will evaporate.

WILLIAM J. SHIFT: Evaporate.

MARK DANNENBERG: You're not left off -- you're not left with 255 million gallons, because the drums couldn't contain all of that. Okay. The water would evaporate.

WILLIAM J. SHIFT: How much is evaporation, and how much of it is --

MARK DANNENBERG: Contaminants would be left on.

WILLIAM J. SHIFT: Pardon me?

MARK DANNENBERG: Contaminants would be left on.

WILLIAM J. SHIFT: Of course.

MARK DANNENBERG: Right.

WILLIAM J. SHIFT: Of course. I don't dispute that.

MARK DANNENBERG: This is why

we went out and collected the several rounds, hundreds of samples --

WILLIAM J. SHIFT: Right.

MARK DANNENBERG: -- what determined what contaminants were --

WILLIAM J. SHIFT: And you

found contaminants.

MARK DANNENBERG: And we found contaminants, and we want to take care of that. There are enough contaminants there that we want to move forward with the remedial action.

WILLIAM J. SHIFT: Again, when you reach bedrock, what then?

MARK DANNENBERG: At the point of bedrock, that's all the contaminated soil that exists. That's it. There is no more contaminated soil once you get down to bedrock. Okay. At bedrock there is a difference how much contaminated groundwater is underneath that. What we would be proposing is treat all the contaminated soil. Whatever is left over after if the water evaporated

dozens of years ago we would be treating those contaminants that had been absorbed and stayed behind in the soil; all of it.

WILLIAM J. SHIFT: What guarantee does my family or any family

in the Village of Maybrook or the Town of Hamptonburgh have that their wells and my drinking water, or their drinking water is not affected in perpetuity?

MARK DANNENBERG: Well, you know, as John indicated earlier too, there are no guarantees. But I would like to say we have carefully thought out a monitoring plan. We have installed a series of wells both at the site, at the perimeter of the site, and off the site directly across the street. We also have a program where we go out, as Mr. and Mrs. Tanner had mentioned, to sample private wells in the immediate facility --

WILLIAM J. SHIFT: Obviously

there's some problem.

MARK DANNENBERG: Obviously there is. Now, the information I have received from the New York State DOH letters also say that they are nondetected. The way that it's

written that they are nondetect down to the detection level. In other words, the equipment they are using can only detect anything above a certain amount; one part per billion --

WILLIAM J. SHIFT: Right.

MARK DANNENBERG: -- about half a part per billion, and it can only detect them at that level. It shows it's non detectible. It doesn't guarantee that nothing exists below that, because the equipment can't guarantee a solid quality assured detection below that.

MICHAEL CYVAK: Sometimes those reports that the lab generates that's sent out in a letter that you folks got and anyone else whose wells

are routinely sampled, those were --
the reports are kind of confusing.
There are lots of numbers on them and
columns, and, you know, crazy
mathematical symbols, and if you're
not used to those, then they are a

little difficult to read. So Joe?

JOE CRUA: Joe.

MICHAEL CYVAK: From the New York State Health Department has offered to meet with these guys to go over that, so that they can understand that perhaps a little bit better, but maybe one thing that we can work on from that is how to make that information more understandable to not only read that, but anyone that's getting that kind of information back.

So as far as how your drinking water -- I believe your question was: What's going on with my drinking water? How can we be assured that our drinking water has not been affected by what is going on at the site? Mark just said, we collected groundwater

samples. We have wells all around the property.

WILLIAM J. SHIFT: Who has collected the groundwaters samples?

MARK DANNENBERG: Mostly the responsible party, the owner of the

property. There have been -- there have been several instances where we take split samples --

MICHAEL CYVAK: Which means we collect samples along with the responsible parties.

WILLIAM J. SHIFT: So this has been an impartial observer, if you will, and there has been a chain of custody for all --

MARK DANNENBERG: Chain of custody, yes, which we have, yes.

WILLIAM J. SHIFT: Okay. So if you cannot furnish a guarantee, then if something does happen and is directly related to this situation, I just want to know where the papers should be filed?

(Interruption by cellphone.

Time noted 8:17 p.m.)

JOE CRUA: Mark, you mentioned earlier that no new contamination was detected by off-site --

MICHAEL CYVAK: Groundwater, correct, above drinking water

standards.

JOE CRUA: So implementation of the remedy further reduces that?

MICHAEL CYVAK: Correct.

JOE CRUA: I mean, I understand your concern about what was going on with the dumping was -- was happening, certainly some was evaporating, some was absorbing in the groundwater, some were migrating. Right now --

(Interruption by cellphone. Time noted 8:18 p.m.)

But, I mean, at this point in time, based on analytical information you're not getting the off-site migration. So you're not able to -- as we're seeking the groundwater samples, it's going to reduce

certainly within implementation of the remedy. So basically --

WILLIAM J. SHIFT: So, again, to repeat my question, and this will be the last for now, if something occurs from a health standpoint to my

family or any family, okay, as a result of the situation out there caused by Nepera issued by the DEC, which agency or which company are we going to direct our focus to?

JOHN LaPADULA: If you have a concern, you can write to us, and we will answer you.

WILLIAM J. SHIFT: I will, you --

JOHN LaPADULA: It will happen.

WILLIAM J. SHIFT: -- work on it.

CECEILIA ECHOLS: Do you have another copy of that letter?

WILLIAM J. SHIFT: Only one.

MARK DANNENBERG: Okay. I respect that, and I'm sure if you sent

it to me -- do you have the address you sent it to; 290 Broadway.

WILLIAM J. SHIFT: It says, "Mr. Mark Dannenberg, EPA Region Two, 290 Broadway --

MARK DANNENBERG: That's my

address.

WILLIAM J. SHIFT: -- 18th Floor --

MARK DANNENBERG: Ah.

JOHN LaPADULA: Ah.

WILLIAM J. SHIFT: -- New York, New York 100 --

MARK DANNENBERG: I'm on the 20th floor. It will find me. So I have not seen it.

WILLIAM J. SHIFT: Get Buffalo Bill back. Thank you.

JOE CRUA: Check with the Town Clerk, and we'll make you a copy.

WILLIAM J. SHIFT: Is there a charge?

(Laughter.)

I'm the Mayor of Maybrook, you know.

(Laughter.)

DAN McGUIRE: Dan McQuire, 618 Homestead Avenue, Maybrook, New York. When was the last testing done that you compiled --

MARK DANNENBERG: The last

testing of the private wells in the area has been conducted, I'm sure, within the last six months.

JOE CRUA: In June.

MARK DANNENBERG: In June.

DAN McGUIRE: Did you realize in May this whole area was flooded out?

MARK DANNENBERG: No. I know, you know, I know we have --

DAN McGUIRE: Where they were taking people out of their homes in boats.

MARK DANNENBERG: No, I didn't know that.

DAN McGUIRE: Right in the area where the dump site is.

ROBERT TANNER: Right where the dump was.

DAN McGUIRE: And in the letter that I got off, and I think it's put out by Nepera, it wasn't a leak. It was leaks. State inspectors detected leaks from the lagoons in 1958 through 1960.

MARK DANNENBERG: Right.

DAN McGUIRE: So three years of leaks.

MARK DANNENBERG: Right.

DAN McGUIRE: It wasn't a leak. It was leaks. It doesn't say how many. Or, how many lagoons were leaking.

CECEILIA ECHOLS: Yes.

RICHARD CATERA: Richard Catera, Councilman for Town of Hamptonburgh. If you look on that wall there, you'll see a plaque we're under groundwater -- we're under -- you indicated that there was -- there was -- chemicals detected in groundwater of the aquifer. We sit on some of the largest water reserves in the county. That aquifer goes all the

way down to New Jersey. So my question to you is this: You have a charge in there of contamination of the groundwater. Is that groundwater detected in overburden, or how far was the aquifer affected by this and your

correct remediation plan isn't a guarantee that that aquifer is not going to be affected in the future.

MARK DANNENBERG: Well, again, guarantees are difficult, but our remedial selection will impact and will clean up in both aquifers. So it will impact both the overburden and the bedrock.

RICHARD CATERA: How far to contaminate right now? How far to contaminate the aquifers and affect the overburden?

MARK DANNENBERG: No, it includes the bedrock too. The bedrock too is contained on site. We have not detected contamination beyond the site in bedrock wells. We do -- we do sample every time we go out, sample

wells. So there are deep wells in the bedrock. There are shallow bedrock wells. The bedrock starts -- it's not that deep. Based on the site, we're looking at it starting at somewhere between eight and 20 feet, and that's

the depth of bedrock on the site.

RICHARD CATERA: That aquifer is quite large, and that water can travel.

MARK DANNENBERG: Yes.

RICHARD CATERA: So that's why I was concerned about your remediation going to affect the long term.

MARK DANNENBERG: Well, we're hoping, I mean, to some extent this has gone on for a while. We have seen contaminants spread only so far. I believe to some extent there is already some biodegradation going on. What we would do is stimulate that significantly to eliminate, you know, eliminate the problem. It would take a couple of years.

RICHARD CATERA: With all due

respect, I can't hope. I've got to know. That's what I'm saying. I think that --

MARK DANNENBERG: Well, we know, you know, there is no magic bullet on this. So there is nothing

that we can do that would be instantaneous. So what we've done is -- is, I think our best job, is taking data that we have from a site, where we have -- we have 39 groundwater monitoring wells at that site plus we monitor private wells off site --

RICHARD CATERA: How far away?

MARK DANNENBERG: How far away on the private wells?

RICHARD CATERA: Yeah.

MARK DANNENBERG: We sample Tanner's well. We sampled Walter Shaves well across the street. We sampled the private well directly across from the access road into to the site, which is next to Walter Shaves' house. There are a couple of

additional wells. I don't know the families' names. East of that there were also samples.

RICHARD CATERA: You have haven't really moved off site to prove that --

MARK DANNENBERG: Well, all the residences are off site. And these are the immediate, you know, these would be of immediate concern. So we feel if it hasn't hit that or anywhere else on groundwater monitoring on the outskirts, it's not impacted beyond that either.

CECILIA ECHOLS: Sir.

MIKE SCOTSCO: Mike Scotsco. I'm at 80 Maybrook Road.

Question, the test wells; I was reviewing your volumes of the test. You don't detect where the test was placed. I don't have a map to see where the test wells were positioned on the ground.

MARK DANNENBERG: The groundwater monitoring wells?

MIKE SCOTSCO: The groundwater monitoring wells.

MARK DANNENBERG: There are figures in the document. I assume you looked at the remedial investigation?

MIKE SCOTSCO: I did. You

mentioned the 32 test wells in the -- you also talked about 27 -- 27 test wells on site. I guess the other five test wells are --

MARK DANNENBERG: We have another off site too.

MIKE SCOTSCO: Right. Mr. Schaffer brought on the point on custody, chain of custody. If Nepera is producing the reports, it behooves them to hide the most contagious reports.

MARK DANNENBERG: Well, it's true. There would be criminality involved in that too.

MIKE SCOTSCO: But you have to catch them. If you don't have a chain of custody, you can't catch them.

MARK DANNENBERG: We do have

chain of custody.

MIKE SCOTSCO: You have chain of custody, but the people performing the testing, taking samples off the ground, is there a log indicating on this test well how many samples were

taken, a controlled -- control of that number of samples through final report showing that nothing was left out in between? That impacts liability.

MARK DANNENBERG: Well, I'm sure --

JOHN LaPADULA: That you -- you described the chain of custody. It starts with the sample collection and it travels with the samples to the laboratory to show that --

MIKE SCOTSCO: But on the collection, what I'm driving at is --

JOHN LaPADULA: Right.

MIKE SCOTSCO: -- if during the collection they note there is a anomaly a high anomaly, they don't put that into their final report, the reason -- well, that's one question.

The second question --

JOHN LaPADULA: Let me just respond to that quickly. We have oversight of the sample collection. In other words, when they're there sampling, we are there as well or we

have contractors there as well splitting samples or observing, so that one doesn't get thrown in the woods; it goes into the ice chest, and it goes off to the laboratory, if that helps answer your question. We do have oversight of the sampling. Any activity on the property we would have a presence --

MIKE SCOTSCO: You feel confident that you have adequate oversight and that in the event we have reason to go after Nepera for criminal liability in that due to their malfeasance my family comes down with cancer or my neighbor's family comes down with cancer, and CDC can show an epidemic survey of the area of cancer, plus in close proximity to

this dump, which I know of four cases within 500 feet of the dump right now, four cases of cancer, and I'm not sure anywhere else in this area how many cancers, and out of that sicknesses, which are direct results of the

material that was dumped into the ground, I think Nepera is going to be forced to effective ways -- ways to protect the pond on the future liability, but one of the questions I was -- I wanted to persue is curtain drains. Are you familiar with curtain drains?

MARK DANNENBERG: Somewhat.

MIKE SCOTSCO: Curtain drains. On May 11th, 1967, New York State found Nepera was performing curtain drains taking surface water out of their lagoons, disposing of it in surrounding areas. It's in your report, page 31.

MARK DANNENBERG: I've seen it.

MIKE SCOTSCO: Volume one.

MARK DANNENBERG: I've seen it. It was long before my time, but, yes, I have seen it.

DAN McGUIRE: We're not holding you responsible for --

MIKE SCOTSCO: But what I'm

saying is: You're doing all your testing on site. These curtain drains were not on site. They were disposing the water off site.

MARK DANNENBERG: They did investigate the curtain drains. New York State was out at the site with the consultant to the responsible party to Nepera. They did dig up and locate about the curtain drain. I imagine that this study that was written about that you're referring to right now, and they did take samples. They did take samples along the curtain drain, and they found levels low in pretty similar to background levels.

By "background levels," I mean some that you would find maybe take,

you know, on a quarter of a mile away on a similar piece of property. So they did investigation the curtain drain. I know -- again, as far as the curtain drain, I know what I read about it too. That's the only reason

I said it was long before my time. I have never seen anything about that.

MIKE SCOTSCO: I'm not trying to prosecute --

MARK DANNENBERG: I know you're not. I just wanted to --

UNIDENTIFIED SPEAKER: Your comments on population of 6,500, what census was that taken, 1940, 1950, 1960? I'm sure it was not 2000.

MARK DANNENBERG: I think it says -- I think it says 7,000, and I don't know whether it was the 2000 census or the previous one. I'm not positive.

UNIDENTIFIED SPEAKER: I would recommend strongly the census is much higher now?

MARK DANNENBERG: How high do

you think it is?

UNIDENTIFIED SPEAKER: Basical ly, I guess that's it for now.

MARK DANNENBERG: I'm curious. Do you know what you would estimate the current census at?

UNIDENTIFIED SPEAKER: I know that Maybrook has grown 25 percent in the last three years.

MARK DANNENBERG: And Hamptonburgh? I mean, I think, basically, what we talked about --

WILLIAM J. SHIFT: 6,000.

UNIDENTIFIED SPEAKER: 10,000 all together.

ROBERT TANNER: I gave permission two years back to dig well on my property. Why is it never tell me what they are getting out?

MARK DANNENBERG: I would be happy to rectify that. I know that they are copying you on your private well. That well is associated with the site, but it's public information. I'll be happy to ensure that you get a

copied on that also.

CECEILIA ECHOLS: What's your name again, sir?

ROBERT TANNER: Robert Tanner.

CECEILIA ECHOLS: Ma'am. Oh, I'm sorry.

ROBERT TANNER: If you're going to dig this soil up, what's the chances of this going airborne and my house 500 feet away?

MARK DANNENBERG: Well, precautions would be taken. Again, during the remedial design we would set up --

ROBERT TANNER: Wear a mask everyday?

MARK DANNENBERG: These are --

JOHN LaPADULA: No. We actually wet down the soil, wet down the soil so it wouldn't be blowing around, or there would be curtains put up, or something. You know, it wouldn't be done in a windstorm.

MARK DANNENBERG: Air

monitoring --

JOHN LaPADULA: Yeah, there'd be air monitoring at the perimeter to make sure nothing is leaving the property.

JOE CRUA: The dust and

volatiles; correct?

JOHN LaPADULA: Yes.

CECEILIA ECHOLS: State your name, again, please.

JOY DECKER: Joy Decker. I just -- I think it's evident that the predominant feeling here is distrust; okay. And we all have good reason for that. I mean, environmental issues through history will show you that there's a lot -- there's a lot of reason for distrust. Okay. Manipulation.

The EPA is supposed to advocate for us in our best interest. We are surrounded not only by your site, but there's also two empty BE sites listed on this toxic map here; one on Neelytown Road and one on the

corner of 207 and Maybrook Road. So I think the EPA needs to take into consideration that we're not just sitting on a hot bed that's been classified as Superfund for a reason, a Superfund site. It has to meet

certain levels of poison to be on the Superfund Site, but we need to be insured, and you want our opinion on how to take care of this. We need to be insured that the future of our kids and our grand kids are going to be guarantees no matter what the cost is.

Now, we're here to tell you what our opinions are. You need to find out from everybody else what remedial plan do they feel more favorable towards. And -- and where it says that it's going to be based on the community's opinion, how much percentage of the community do you need in order to issue with the remedial plan that you're going to go with?

JOHN LaPADULA: It depends on

how many people comment and write in. I mean, if a million people said: We want Alternative Z, that's -- that's a lot of people with a lot of opinion.

JOY DECKER: Well, they can express right now what plan they

feel --

JOHN LaPADULA: Well, that was one of the purposes of the meeting --

CECILIA ECHOLS: You know they can go --

UNIDENTIFIED SPEAKER: You just said they can write in. Are you saying --

MARK DANNENBERG: Your comments right here --

MICHAEL CYVAK: They count.

JOHN LaPADULA: They count.

MARK DANNENBERG: -- wish to write or e-mail something in after the meeting.

GERTRUDE HODGES: I think -- I think you ought to truck it out and do plan six for this soil. That's would be a --

MARK DANNENBERG: That's been noted already.

MICHAEL CYVAK: You only get one vote. I see what you're doing. You only get one vote.

(Laughter.)

GERTRUDE HODGES: Well, can I speak for my sister? She owns half the land.

JOY DECKER: Okay. And then I hope the rest of you, like I said, I'm in favor of GW3 and S6.

JOHN LaPADULA: That's Joy Decker.

CECEILIA ECHOLS: Ma'am.

ELLEN McGUIRE: My name is Ellen McGuire. I just had a question. Saying that everything goes okay, and that you put everything in place, how long do you monitor after, because obviously the lagoons were supposed to be safe, and now, for 40-some years later, we're stuck with it.

MARK DANNENBERG: We would monitor, I'm sure, for well -- we're

required to monitor and do a five-year review every five years. We would continue that process every five years at a minimum. We'd be monitoring the groundwater much more vigorously than every five years, but we'd be

reviewing all the process, reviewing all the data, until we can say categorically: We've achieved all clean-up objectives both for soil and groundwater; we're there, and there is no need anymore.

We'd actually want to take the site off the list first. There would be no need to continue a five-year review process.

JOHN LaPADULA: While the groundwater and soil would be biodegrading, we would monitor that to see the effectiveness of the treatment. Before we're done with the site, we have to achieve what we call remedial action objectives. That would be drinking water standards. The ground water would have to return

to drinking water quality. At some point, it would. How long after that would we monitor? Probably several quarters or years.

UNIDENTIFIED SPEAKER: Well, if they keep it in that biocell --

JOHN LaPADULA: Right.

UNIDENTIFIED SPEAKER: -- it would still be on site. So in any --

JOHN LaPADULA: Yeah, it would, but the notion is that it -- the levels of the contaminants will dissipate until --

GERTRUDE HODGES: Supposedly.

JOHN LaPADULA: Supposedly. And then the soil could just be, you know, it would be just basically gone out of the soil. You could put the soil back and grade the site, and restore it to, you know, with the type of land that it was prior.

JOY DECKER: What if that don't work?

JOHN LaPADULA: Then we'd have to do something else.

JOY DECKER: Oh, we could have gone back to the plan that cost the most, but was 100 percent effective?

JOHN LaPADULA: We could have.

CECEILIA ECHOLS: Sir.

BOB JANKOWSKI: Bob Jankowski,

Town Supervisor. Just wanted to put some perspective with regard to when the site is listed as a Superfund Site. We, we community, readily accepted sampling information as provided by EPA, samples taken by the private companies that or the EPA monitoring, and we came up with this -- you came up with this big volume of deadly materials that were there, and everybody accepted that that's what's there, and so now, over the years there has been suggestions on how to remediate the site.

I remember a meeting back in the beginning, where the estimate was like 140 million to, you know, the site originally, and the most effective way back then was considered

trucking everything off the site to some other sites, burning it up, whatever, and so now, you have new technology over the years. 20 years later you have other ways that have been proven effective I'd suppose in

some parts.

The question I have relating to that and all these suggestions it seems like common sense would dictate that if you took everything off of the site that you possibly could, put it someplace else, that it wouldn't be here anymore. Now, maybe a chemist would jump up somewhere and say that may not necessarily be the most effective way. Seems like common sense.

But my question relating to that is, regardless of what the remediation plan is that's going into effect, how long, and somebody may have asked this earlier or not, how long is the site tested, and how does the testing -- and I think Mike

Scotsco was addressing that -- who does the testing? How long does it go into the future, and who performs the remediation? It's not the EPA? It's a private company?

MARK DANNENBERG: Private

company would pay for the remediation with the EPA and with New York State oversight.

BOB JANKOWSKI: Is there a difference in how long it's tested; whether you truck it away or whether you do a plan for?

MARK DANNENBERG: I mean, yes. Excluding the groundwater, the groundwater might require testing for about the same amount of time. If you excavate it away, you take your post confirmed -- your post excavation sample. As soon as the excavation is done, you sample around the edges; you sample in a little bit; outside the excavated area, and you see if you did it right. If there is still contamination --

BOB JANKOWSKI: Is there a timeframe then where you keep going back and testing every six months or --

MARK DANNENBERG: For groundwater --

BOB JANKOWSKI: -- and then if the tests are continually coming back clear, and there is at some point at which there is no more testing?

MARK DANNENBERG: Right. Soils, if it was excavated, it would be a single shot. If it was excavated and carted away, you would go out. It might take several days to do all of your sampling. It could be done in a couple of days perhaps, but you would go around the edges outside of the excavated area to make sure you get it all.

BOB JANKOWSKI: What kind of trucks do you use to haul it --

MARK DANNENBERG: Big trucks.

BOB JANKOWSKI: -- containers?

MARK DANNENBERG: A lot.

BOB JANKOWSKI: How many thousands of truck loads --

MARK DANNENBERG: Yeah. You're talking about volatile organics. So the contaminants so -- they volilatize. They evaporate. So

you'd have to take precautions to make sure that that didn't happen, while you're trucking it out. It could be a totally incapsulated truck. It could have a cover, a permeable cover on top.

BOB JANKOWSKI: And is the trust fund or wherever the money is coming from is there opposition from people controlling the trust fund for the spending more money, or is there a limit to the amount of money coming out of the trust funds?

JOHN LaPADULA: I don't know if we can really answer that question, but it's kind of outside of the Superfund process in that the process is done based on, you know, available technologies, proven technologies, and

looking at all this criteria; one of which is cost. And it's a balancing of all the criterias, which we think would get the best end result, you know, based on all things, all the considerations.

So we don't pick the remedy based on the available funding either, in the case where there are no responsible parties and it would be the Federal Government paying store it with some State share, or in the case of there is a responsible party, who would be liable, and we would imagine would be spending it. The cost is a balancing criteria, but the remedy selection isn't based on, you know, the most expensive or the least expensive, because that's all available.

BOB JANKOWSKI: Isn't it true that the reason why it's taking so long to come to a head is because of the initial cost factor and the fact that there wasn't any shown

contaminants, any movement, no movement shown on the testing?

MARK DANNENBERG: Well, there wasn't the urgency. Based on the testing we did, certainly there wasn't the urgency. Nobody off site was

being impacted. No private wells were located on the site. So presently, currently there is no direct risk to human health.

The EPA has always been concerned with the potential for future impact, future uses. There are a number of reasons that we did the remedial investigation in phases. Early data did show that there were some metals present in the lagoon area, and I know earlier a gentleman had gotten up and actually Mr. Pim had listened to me and sent me a letter 11 days ago, and he said, "it's cadmium, barium."

Barium is barely inert, but it is a metal, and I don't want to take away from it on that, but he listed.

There's all these things in there. EPA looked at earlier data too, and we had some concern that these metals could impact human health, and we were concerned about that. We went back out. We took a whole bunch of

additional samples to decide what to do about that. Certainly the remedy that we are recommending would not be effective on metals. So if metals were of a concern, we'd have to select a different remedy. So, again, one of the reasons that this has carried on is that we've had to do additional testing to verify what's impacting the groundwater. What's the -- what the soil really is contaminated with. So I don't know if that really answers your question.

CECEILIA ECHOLS: Ma'am.

KAREN BREW: Karen Brew, Orange County Land Trust and Rentals. I have two questions; one is regarding surface water. Did you mention if there has been a survey of surface

water going through the tributaries?

MARK DANNENBERG: Yes. Years ago there was sampling over Beaver Dam Brook upgrading it along side as well as down grading it in the Otterkill. There were sediment sampling done in

the early '90's also. We went back out to ensure that there wasn't something different that we should be concerned about this after several years later.

We went back out in 2002 or 2003, and performed additional sediment sampling, and that was the occasion that I was out in that white suit out near Tanner's pond, the Tyvak suit. And really that was because the bugs were brutal. I wasn't dressed up in Tyvak because of the contaminants. The bugs were bad. There were tics out there. So I was protecting myself from nature, but we were sampling. We weren't sampling for nature.

We were sampling contaminants, and the contaminants came out clean.

They were similar both upgrades, both downgrades, as well as adjacent to the property, and all the samples were pretty similar.

KAREN BREW: Would there be any concern to, as Mike McGuire

mentioned about even if there are flooding in that area, is there any concern with surface run off?

MARK DANNENBERG: Well, the surface soil is not contaminated. The contamination is at depth. There has been -- you mentioned the flooding in May, Mr. McGuire, and I imagine every year you've got flooding, you know, even periodically --

DAN McGUIRE: No --

MARK DANNENBERG: -- maybe not every year. This was really -- this was like the one out of 50 or one out of a hundred year-type flood?

DAN McGUIRE: Nice to spread it out.

MARK DANNENBERG: The surface soil, again, not contaminated. All

subsurface.

KAREN BREW: My second question: What are the plans for the piece of property beyond the time of testing?

MARK DANNENBERG: Well --

KAREN BREW: -- if you, after eight years, deemed it to be clean and safe, do you have plans for it?

MARK DANNENBERG: The EPA doesn't own the property. So we really can't predict that. The Town has zoned this property as residential or agricultural. The EPA was concerned that if this is the way the Town wanted the property used, we should clean up to at least reach that level. Residential is really the in general the most stringent, the most conservative clean up, and that's what these remedies, aquifer remedy, is aimed at achieving. Our clean up objectives are based on residential pattern of the property.

Whether or not the owners of

the property would want to leave it as residential property, leave it as open space, or park land, I don't know. We would be tying along with the Record of Decision certain deed restrictions saying that there shouldn't be any

private wells, any drinking water wells installed on the property.

The biocell, while active, should not be disturbed. You know, short sampling of the site; dug up, security coming and going on to the site property.

CECEILIA ECHOLS: Sir.

JIM LORD: Hi. Jim Lord, also Councilman for the Town of Hamptonburgh. Just a quick question, but it seems to me, and maybe I'm wrong, in the private sector, do you, as EPA and DEC, favor removal? It just seems like you see a gas station is being taking --

JOHN LaPADULA: Well, yes and no. We favor permanent solution. In other words, we don't remove

landfills, because that would be creating more of a problem than I think we'd want. So landfills are generally contained.

Love Canal was essentially contained, which many people, all of

the people up there were very aggravated about. We didn't clean it up. We just contained it, but we really couldn't, because of all the chemicals that were, you know, in the bedrock canal.

If it's a small contamination area, it can easily be removed and taken away. We would probably opt to do that. But it really depends on the type of contamination, and one of the criterion is short-term effectiveness, which really includes what type of adverse impacts might be realized in the community during the implementation of a remedy.

For example, for an excavation remedy, you know, digging up chemicals, or, you know, releasing

vapors in the air, or dust in the air that type of thing, that's one of the -- one of the criterion. So, you know, it really depends on the size and type of problem. It's better to detoxify, and remove, and reduce the

comtaminants, where, you know, you're done with them that way than necessarily pick them up, take them away, and bring them somewhere else; probably be burying them somewhere else. We do do that at, you know, other sites for the circumstances. That's what we do, you know, recommend or propose.

KAREN BREW: One more question. On page six of this list of -- list of chemicals, and then you were talking about oxygenation biodegradable. Are you saying that the chemicals are biodegradable?

MARK DANNENBERG: Yes.

KAREN BREW: Why haven't they gone away in 50 years?

MARK DANNENBERG: Well, there

likely has been biodegradation that has been going on. At some point the conditions, the nutritional value of the soil, the condition of the soil, itself, was not conducive to that anymore. Yeah, it got used up. Yeah,

it's a good way to really think about it. It's in the soil, and with the proper things provided, biodegradation did occur; it got used up.

So what we would be doing in our preferred remedy is adding things to stimulate biodegradation. We'd probably be adding much more than would be there naturally, but we would be simulating biodegradation, and these compounds, you know, particularly the benzene, toluene, xylene, these are used frequently for petroleum masses underground storage tanks that leaked and, you know, some of these contaminants are analogous to that.

CECEILIA ECHOLS: Anymore more questions?

Okay. We're going to close. I would like to thank everyone for coming out this evening. Please also remember the public comment period ends on August 29th. If you have any questions, you can always call the 800

number. It's 1-800-346-5009.

Many documents relating to the site are on the web page. Please remember on the proposed plan on the bottom you can visit the web page. You can always send your comments to Mark Dannenberg. His address is here on the front of the proposed plan. Thank you very much for coming out.

(Time noted 8:51 p.m.)

CERTIFICATE

STATE OF NEW YORK)
) ss.
COUNTY OF DUTCHESS)

I, ROSEMARIE CUMMINGS, a Court Reporter and Notary Public of the State of New York, do hereby certify that the foregoing Hearing taken at the time and place aforesaid, is a true and correct transcription of my shorthand notes.

I further certify that I am neither counsel for nor related to any party to said action, nor in any way interested in the result or outcome thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of August, 2007.

20

21 _____

22 ROSEMARIE CUMMINGS

23

24

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RESPONSIVENESS SUMMARY

APPENDIX V-c

PUBLIC NOTICE PUBLISHED IN THE
TIMES-HERALD RECORD
ON JULY 31, 2007

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY INVITES PUBLIC COMMENT ON THE PROPOSED PLAN FOR THE NEPERA CHEMICAL COMPANY SITE TOWN OF HAMPTONBURGH, ORANGE COUNTY, NEW YORK

The U.S. Environmental Protection Agency (EPA) announces the opening of a **30-day comment period** on the Proposed Plan and preferred alternative to address contamination at the Nepera Chemical Company site in Hamptonburgh, New York. The comment period **begins on July 31, 2007 and ends on August 29, 2007.** As part of the public comment period, EPA will hold a public meeting on **Thursday, August 16, 2007** at 7:00 PM at the Hamptonburgh Town Hall , 18 Bull Road, Campbell, New York. To learn more about the meeting you can contact Ms. Cecilia Echols, EPA's Community Involvement Specialist, at 212-637-3678 or 1-800-346-5009 or visit our website at www.epa.gov/region2/superfund/npl/neperachemical.

The site is listed on the Superfund National Priorities List. EPA recently concluded a remedial investigation/feasibility study (RI/FS) for the site to assess the nature and extent of contamination in site media and to evaluate alternatives to cleanup the site. Based upon the results of the RI/FS, EPA has prepared a Proposed Plan which describes the findings of the remedial investigation and potential remedy evaluations detailed in the feasibility study and provides the rationale for recommending the preferred alternative.

The preferred alternative for cleanup of the site:

Excavation of site soils in the contaminant source area;
Design and construction of a biocell to contain the excavated soil;
Installation of a soil vapor extraction system; and
Operation of the biocell and the soil vapor extraction system to remediate contaminated soil.

In addition, the excavated area will be treated with oxygenating compounds to create an aerobic environment and, thereby, stimulate biodegradation within the area of elevated groundwater contamination. Institutional controls, monitoring, and periodic reviews would also be part of the remedy to ensure that the remedy remains protective of public health and the environment. During the **August 16 public meeting,** EPA representatives will be available to further elaborate on the reasons for recommending the preferred remedy and public comments will be received.

The RI Report, FS Report, Risk Assessment, Proposed Plan and other site-related documents are available for public review at the information repositories established for the site at the following locations:

Hamptonburgh Town Hall: 18 Bull Road, Campbell Hall, New York 10916 (845) 427-2424
Hours: Mon. - Fri., 9 AM - 3:30PM

USEPA Region II: Superfund Records Center, 290 Broadway, 18th Floor, New York, NY 10007-1866, (212) 637-4308
Hours: Mon. - Fri., 9 AM - 5 PM

EPA relies on public input to ensure that the selected remedy for each Superfund site meets the needs and concerns of the local community. It is important to note that although EPA has identified a preferred alternative for the site, no final decision will be made until EPA has considered all public comments received during the public comment period. EPA will summarize these comments along with EPA's responses in a Responsiveness Summary, which will be included in the Administrative Record file as part of the Record of Decision. **Written comments and questions regarding the Nepera Chemical Company site, postmarked no later than August 29, 2007, may be sent to:**

Mark Dannenberg, Project Manager
U.S. Environmental Protection Agency
290 Broadway, 20th Floor
New York, New York 10007-1866
Telefax: (212) 637-4251
email: dannenberg.mark@epa.gov

RESPONSIVENESS SUMMARY

APPENDIX V-d

PUBLIC MEETING SIGN-IN SHEET
AUGUST 16, 2007

EPA
Region II

Nepera Chemical Superfund Site
Campbell, New York
Hamptonburg Town Hall

Thursday, August 16, 2007 @ 7:00PM
ATTENDEES
(Please Print Clearly)

NAME	STREET	CITY	ZIP	PHONE	REPRESENTING	Are you currently on the mailing list?
Susan Spear	Congressman John Hall 255 Main Street	Goshen	10924	8452914100	Congressman John Hall	
RAHUL VERMA	1279 ROUTE 300	NEWBURGH	12550	845-567-6530	KLEINFELDER, INC	N
Matthew A. Thomp	405 Tower Ave	Maybrook	12543	845-427-2272	Village of Maybrook	N
Lou Immormont	89 Maybrook Rd.	Campbell Hall	10916	427-2349		
Anthony Perretta	547 River St Troy NY		12180	1800 458 1158 ext 27880	NYSDOH	yes
DAN MAGUIRE	618 HOMESTEAD AVE	MAYBROOK NY	12543	427-2968		N
Darlene Roessler	907 Tower Ave	Maybrook NY	12543	4275561		

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Hamptonburg Town Hall

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ATTENDEES
(Please Print Clearly)

NAME	STREET	CITY	ZIP	PHONE	REPRESENTING	Are you currently on the mailing list?
Rich May Field	255 Main St	Goshen		291-2700	Orange County Executive Ed Diana	
James DeWinter Jr PE	P.O.Box 42	Circleville N.Y.	10919	845-361-1641 (W)	Maybrook	N
Mary K Ahler	109 Maybrook Road	Campbell Hall NY	10916	845 427-6749		Yes
Andrew Pharmer	41 Jones Lane	Montgomery NY	12549			NO
Karin Knox	Box 2442	Middletown NY	10940	845 343-0840	Orange County Land Trust	NO
Stephanie [illegible]	P.O. Box 72	Campbell Hall, NY	10916	845-[illegible]-2684		NO
Rich McCormick	41 Rt 37	Goshen NY	10924			No.

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(Please Print Clearly)

NAME	STREET	CITY	ZIP	PHONE	REPRESENTING	Are you currently on the mailing list?
MICHAEL KLINE	22 JONES DR	HIGHLAND MILLS	10930	8457745943	VILLAGE OF WOODBURY	N
Rebecca Tanner	26 McBride Lane	Campbell Hall N.Y.	10916			
PAT MORRIS	318 RIDGE RD	CAMPBELL HALL	10916	845 496 9059		Y
JOHN BECKMEN	10 SHEA RD	CAMPBELL HALL	10916	845-496-4758		X
Irene Drake	21853 Rt 207	Campbell Hall	10916	845-496-5355		
Jerry Drake	21853 Rt 207	Campbell Hall NY				
MYLES AXTON	370 HULSETOWN	BLOOMING GROVE	10914	8454964317	TOMAHAWK LAKE ASSOC.	N

EPA
Region II

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Hamptonburg Town Hall

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ATTENDEES
(Please Print Clearly)

NAME	STREET	CITY	ZIP	PHONE	REPRESENTING	Are you currently on the mailing list?
Rick Garre	1187 Fieldy Dr	West Chester, PA	19382	610-455-0898		No
~~Neil Crouse~~	~~Highland Mills,~~		~~10930~~	~~845-928-6740~~	~~Woodbury~~	~~No~~
Neil Crouse	PO Box 546,	Central Valley, NY	10930	(845) 928-7558	Village of Woodbury	No
[illegible]	[illegible]	Middletown	[illegible]	[illegible]		[illegible]
Joe Dembeck	6 Knoll Rd	Goshen ny			Otterkill Ridge LLC	
James Caraveo	POB 113 Church St	OH	10719			
Bill Coughlin	46 Hickory Dr	Campbell Hall ny	10916			

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NAME	STREET	CITY	ZIP	PHONE	REPRESENTING	Are you currently on the mailing list?
Gertrude Hodges	1918 E Belvedere	Balto	21239	410-444-8221	Self	
Frederick Hodges (owner of)	41 Jones Lane	Campbell Hall NY				
[illegible]	107 Prospect Avenue	Maybrook, NY	12543	427-2957	Self	
Joe Villani	117 Meadowbrook Rd	Campbell Hall NY	10916	427-2075	self	
Michael Skotzko	80 Kings Brook Rd	CH NY	10916	427 7044	Self	N/A
Sadique Ahmed		Albany	12233	518 402 9775	NYS DEC	NO
DANIEL M JURECHKO	9 HILL RD	MIDDLETOWN NY	10941		SELF	NO

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NAME	STREET	CITY	ZIP	PHONE	REPRESENTING	Are you currently on the mailing list?
Joy Decker	Rt 207	Campbell Hall			property owner / family [illegible]	
[illegible]	50 Maybrook Rd	Campbell Hall			Property owner	
[illegible]		Albany NY				
CURT TAYLOR	542 STATE RTE 29	GREENWICH, NY	12834	(518) 337-7665		yes
Joseph P. Crua		NYSDOH			NYSDOH	no
Keith Decker	1 [illegible] St	CP 12[illegible]				no
Robin Krause	PO Box 645, Highland Mills				Wallkill [illegible]	

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NAME	STREET	CITY	ZIP	PHONE	REPRESENTING	Are you currently on the mailing list?
Ellen Maguire	618 [illegible] estead Ave	Maybrook NY	12543	845-427-2968		no
Karl Roessler	90+ Knox Ave	Maybrook NY	12543	845-427-5561		no
Neil Schubert	183 [illegible] ST.	Campbell Hall NY	10916	[illegible]		

APPENDIX VI

COST DETAILS

Cost Comparison of All Soil Alternatives Nepera Chemical Company, Inc. Site Hamtponburgh, New York			
Soil Alternative	Capital Cost	Annual O&M	Present Worth
S1	$ 0	$950	$15,000
S2	$12,600	$13,550	$217,000
S3	$2,290,000	$24,000	$2,647,000
S4	$2,388,000	$406,000	$3,119,000
S5	$1,211,000	$460,000	$2,302,000
S6	$11,208,000	$22,000	$11,228,000

Cost Comparison of All Groundwater Alternatives Nepera Chemical Company, Inc. Site Hamtponburgh, New York			
Groundwater Alternative	Capital Cost	Annual O&M	Present Worth
GW-1	$0	$950	$15,000
GW-2	$182,153	$106,700	$696,000
GW-3	$1,656,000	$229,000	$3,339,000
Gw-4	$332,000	$106,700	$846,000
GW-5	$191,000	$106,700	$738,000

Selected Remedy - Alternative S4 – Excavation/On-Site Biocell with Soil Vapor Extraction and Bioremediation
Cost Estimate Summary
Nepera Chemical Company, Inc. Site
Hamptonburgh, New York

Capital Costs

Biocell System With Soil Vapor Extraction and Bioremediation

Site Preparation	$120,000
Biocell System (with SVE and Bioremediation)	$280,000
Material Handling (activities include excavation, sorting, stockpiling, amending and condition of soil, placement of soil in biocell, and backfilling excavated area with clean soil)	$1,444,963
Soil Sampling	$129,000
Subtotal for Estimated Capital Cost	$1,973,963
Engineering (10%)	$197,396
Subtotal	$2,171,359
Contingency (10%)	$217,136
Total Estimated Capital Cost	$2,388,495

Operations and Maintenance

Soil Treatment Plant Operation	$130,000
Biocell Treatment System Monitoring	$150,000
Verification Sampling	$57,000
Remedy Completion Report	$20,000
Site Maintenance	$12,000
Subtotal Estimated Annual Operation and Maintenance Cost	$369,000
Contingency for O&M activities (10%)	$36,900
Total Estimated Annual O&M Cost	$406,000
Total Projected Present Worth Cost	$3,119,000

Selected Remedy - Alternative GW-2 – Enhanced Bioremediation with Long-Term Groundwater Monitoring Cost Estimate Summary Nepera Chemical Company, Inc. Site Hamptonburgh, New York	
Capital Costs	
Groundwater Bioremediation System	
Institutional Controls	$12,000
Preliminary Work (design, workplan, mobilization, demobilization)	$23,540
Initial Oxygenating Compound Treatment	$115,000
Sub Total for Remedial System Capital Costs	$150,540
Engineering (10%)	$15,054
Subtotal	165,594
Contingency (10%)	16,559
Total for Groundwater Bioremediation System Capital Costs	$182,153
Operations and Maintenance	
Groundwater Monitoring*	$80,000
Annual Monitoring Report	$8,000
Site Evaluation	$7,000
Site Maintenance	$2,000
Estimated Annual Operation and Maintenance Cost*	$97,000
Contingency for O&M activities (10%)	$9,700
Total Estimated Annual O&M Cost	$106,700
Total Projected Present Worth Costs	$696,356

* Groundwater Monitoring Costs, and Annual O&M Costs, are expected to decrease over time.